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*Attorney for Defendant SYLVIANE WHITMORE*

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

SYLVIANE WHITMORE,

Defendant.

Case No: 2:17-CR-110 APG

**UNOPPOSED MOTION FOR AN  
ORDER AUTHORIZING  
TRANSCRIPTION OF BENCH  
CONFERENCES DURING TRIAL  
AND JURY INSTRUCTION  
SETTLING CONFERENCE**

COMES NOW the defendant Sylviane Whitmore, by and through her counsel, Lisa Rasmussen of McLetchie Law, and hereby moves this Court for an Order Authorizing the transcription of bench conferences during trial as well as the transcription of the conference where jury instructions were settled. This Motion is unopposed by the government. This Motion is made and based upon the following:

1. The undersigned is counsel for Ms. Whitmore on appeal and has been counsel for Ms. Whitmore since September 2021.

2. The undersigned was not counsel for Ms. Whitmore during trial.

3. In preparing Ms. Whitmore's direct appeal, the undersigned discovered that there were bench conferences during trial that were not transcribed in the transcripts that were previously prepared. Additionally, the settling of jury instructions on the record was also not transcribed.

1 4. A list of the untranscribed / missing items is as follows:

2  
3 a. **Jury Trial Day 1 on 6/21/21:**

4 Transcript is at ECF 260

5 During government witness Jeffrey Scott

6 Bench Conference is at page 156, line 4.

7 b. **Jury Trial Day 3 on 6/23/21:**

8 Transcript is at ECF 552

9 During government witness Gary Chaney

10 Bench conference/sidebar is at bottom of page 145/top of page  
11 146

12 c. **Jury Trial Day 5 on 6/28/21**

13 Transcript at ECF 233

14 During Defense Witness Art Cordova

15 Bench Conference at page 46:8

16 d. **Jury Trial Day 5 on 6/28/21**

17 At end of Defense Witness Linda Dobash

18 Bench Conference at page 83:18

19 e. **Jury Instructions on the Record**

20 This appears to have occurred on Jury Trial Day 4, 6/24/21

21 The minutes indicate that proceedings ended at 11:51 AM, but  
22 the transcript ends at 10:04 AM, so presumably this occurred  
23 during this period of time as there is no other reference in the  
24 record to the settling of jury instructions.

25 5. At least two and possibly three of these bench conferences are  
26 relevant to issues raised on appeal by Ms. Whitmore and the fourth is unknown.

27 6. Since the undersigned was not trial counsel, she does not know  
28 what occurred at the conference where jury instructions were settled on the  
record.

1           7.       The undersigned was initially not able to contact the court reporter, Paige  
2 Christian because she is no longer the court reporter for this Court. However, after  
3 receiving substantial assistance from this Court's current court reporter and her supervisor,  
4 both of whom worked to resolve the issue, it was determined that the undersigned would  
5 need to contact Ms. Christian.

6           8.       The undersigned contacted Ms. Christian this morning and Ms. Christian  
7 has indicated that she will be able to transcribe the requested portions, but that she needs  
8 an order authorizing the same from the Court, and then a transcript order can be emailed to  
9 her.

10          9.       This motion follows.

11          10.      The undersigned has conferred with the government and counsel for Mr.  
12 McDaniel on appeal (Jason Carr) and neither party opposes this Motion as it is likely that  
13 all three parties will need access to the same information.

14          11.      The undersigned has also sought an additional extension of time to file Ms  
15 Whitmore's opening brief (until January 10, 2025) in order to permit time for this Court to  
16 grant this motion and to obtain the supplemental transcripts from Ms. Paige.

17               Based on the foregoing, it is respectfully requested that this Court enter an order  
18 authorizing the items listed above in paragraph 5, subparagraphs a-e be transcribed by the  
19 court reporter.

20               DATED this 18<sup>th</sup> day of December, 2024.

21                               /s/ Lisa A. Rasmussen

22                               LISA A. RASMUSSEN, Nevada Bar No. 7491

23                               **MCLETCHIE LAW**

24                               Attorney for Sylviane Whitmore

25               IT IS SO ORDERED:

26               Dated: December 19, 2024

27                               

28                               ANDREW P. GORDON

CHIEF UNITED STATES DISTRICT JUDGE